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Libya's Implosion and its Impacts on Children

By Lere Amusan¹

Abstract

The Arab Spring's ripple effects on Libya led to the overthrow of Muammar Al-Qaddafi's government of over four decades. The regime change in Libya was not a smooth adventure. It led to a civil war, which impacted negatively on Libyan children. The seeds of discord that this war sowed in the once considered stable state shall be the focus of this discussion through the employment of descriptive and analytical methods. The contention of this study is that every actor in the civil war disregarded various international treaties that protect children and indigenous peoples during the war. This paper argues that the issue of children should be addressed through domestic legislation and international treaties the country is a signatory to. Also important is the resolution of problems of disarmament, demobilization, reintegration and reinsertion (DDRR)¹ for a stable society in a divided post Al-Qaddafi government where different militias are in control of the state.

Keywords: Libya, Children, Civil War

Introduction

The Arab Spring that emanated from Tunisia spread like a wild fire to the rest of the Arab World, but with different impacts on each state. The system of government that was put in place under the guise of Islam in countries such as Egypt, Libya and Tunisia was challenged by the youth who felt neglected by previous governments. Problems such as unemployment, neglect of ethnic minority groups and the introduction of Islamic tenet in the governance of these states account for the ignition of the crises that consumed some states in the Maghreb and the Middle East. Libya's case is unique because of the special interest of the Great Powers in the state's fossil fuel. Also of concern was the Al-Qaddafi's foreign policy of Third Universal Theory (a position postulated by Al-Qaddafi's Green Book that calls for direct democracy through Basic People's Conferences as against the western form of representative democracy) aimed at Islamizing the rest of Africa to the detriment of the West's politico-economic ambition (Hunwick, 1997).

Al-Qaddafi's neglect of the people of the eastern part of the state, Benghazi, explained why the war erupted from the region that eventually spread to the remaining two regions of the country. The warring parties forced school children to the battle field.² Al-Qaddafi had to seek Touaregs assistance from Mali who, because of their economic plight had joined his forces in the war. Economic aid extended to the people of Tawergha (black population of about 30,000), a few

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kilometers away from Misrata by Al-Qaddafi to the detriment of the people of Misratan made the city one of the targets of the anti-Al-Qaddafi Misrata *katibass* (brigades). The forces wiped out the people including women and children in a retaliatory measure. This was possible with the North Atlantic Treaty Organization (NATO)'s military "catastrophic success" that killed women and children in hundreds through air raids. NATO's involvement in the war came from the United Nations Security Council (UNSC) Resolutions 1970 and 1973 of 2011 empowered the external forces to intervene in a war due to humanitarian concerns (Kuwali, 2009a, 2009b).

Many authors have written on the impacts of war on children since the 1990s (Ignatieff, 1998, Sesay, 2003, Dallaire, 2010, Goldstein, 2011, Zack-Williams, 2012; Cohn, 2013). Children are the main victims of war because of their vulnerability to series of abuses during and after the war (Stohl, 1998; Sesay, 2003; Bennet, Gamba and van der Merwe 2000; Machel, 1995; Mutunga, 2006). The difference between child' and 'youth' in the African context continues to remain blurred as the interpretation depends on "what they are able to do in the given context" (Vigh, 2006: 35). This brings the argument on the need to use children during crisis into focus. As much as some believe that it is the tradition of Africa to engage children in war, (Bennet, 1999; Jézéquel, 2006) what comes to mind is whether this is not antithetical to the signing of several protocols that forbid child soldering. Children under 18 were employed by both sides as combatants, spies, potters, cooks and comforters (bush wives). This paper will examine the issue of child soldiering and ethnic discrimination with regards to access to education, healthcare and other social rights as Libya is a signatory to a series of global, continental and sub-regional international treaties based on child rights. This study is an effort to link conflict to terrorism if *Realpolitik* is introduced against *Idealpolitik* (Sandole, 2010: 110).

Effects of war lead to internally displaced children (IDC), refugee problems and its associated crises on 'unaccompanied children' (Olonisakin, 2009: 556) such as malnutrition, sexual abuse, crises of education, and basic health care system. The conscripts during the war in Libya were adolescents who were in their formative years. Child soldering exposed children, both boys and girls, to HIV/AIDS. This is against the international norms that protects the rights of children such as the UN Convention on the Rights of the Child (Klepp, Flisher and Kaaya, 2008). Thus international law, according to Lea Brilmayer (2002:198) "is not good at providing corrective justice and thus is unlikely to resolve problems in a way that satisfies groups with historical grievances."

Destruction of schools, killing of teachers, changing of school curriculum overnight in line with western educational system (Ikenberry & Kupchan, 1990) and the need to replace unavailable teachers are some of the challenges of the civil war in Libya. The psychosocial effects of war on children, the stability of the state and the mistrust among the people merits further examination. Children left by fighters from both sides faced series of challenges such as hunger and lack of care. Furthermore, prostitution by girls, and burglary by boys as a means of livelihood add to the challenge. Another area of focus, of which many students of child soldering have left untouched, is the question of the future development of the state. Recruitment and use of child soldiers indicate that the generation that was supposed to ensure development is now lost through armed conflicts. The frustration-aggression dynamic may eventually lead to further terrorism (Sandole, 2010). The Internally displaced persons (IDPs) including children and those that turned refugees may find it difficult to reintegrate into the society in the post-war state building. Children that were lucky not to be killed in the war are either permanently disabled or seriously injured (Shah, 2003).

The hasty organization of elections in July 2012 instead of ensuring the rule of law was a palliative measure to the state's stability. This explains the relapse of the war in some parts of the state. Reintegration into society is a major problem in Libya because children forced into war as combatants may not be easily reintegrated into the normal society, as they have been exposed to violence.

International Initiatives against Child Soldiers

Various international conventions put the age of recruitment into armed forces at 18 years, to which Libya is a party to except for the Rome Statute of 2002 that did not impose a 'straight-18' ban (Bosch & Easthorpe, 2012:10). In 1993, Libya acceded to the UN Convention on the Rights of the Child (1959, 1989) that came into force in 1990, without any reservation. The Convention protects children against discrimination and asserts their civil and political, economic, social, and cultural rights (Dugard, 2005: 325). In 2006, the country entered into two major Optional Protocols to the Convention on the Involvement of Children in Armed Conflict (OPAC) and on the Sale of Children in Child Prostitution and Child Pornography (OPSC) (Abdul-Hamid, 2011: 138) asserts that:

Libya has acceded or ratified major United Nations conventions on human rights, namely: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights (1970), the International Convention on the Elimination of All Forms of Racial Discrimination (1968), the Convention on the Elimination of All Forms of Discrimination Against Women (1989), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1989), and the Convention on the Protection of Migrant Workers and Members of their Families (2004). Libya has signed the Convention on the Rights of Persons with Disabilities (2008) but has not ratified it.

Libya is party to regional treaties. Libya has agreed to the 'Cairo Declaration on Human Rights in Islam (1990). As member of the African Union (AU), Libya has also ratified in July 1986, the African Charter on Human and Peoples' Rights. It also ratified/acceded to the African Charter on the Rights and Welfare of the Child (ACRWC) in 2000, the most important instrument for children's rights within the AU human rights system.

At the theoretical level, Libya incorporated all the relevant optional protocols on the rights of children by 1997 through the parliamentary Act of the Rights of Children No. 5. Also Articles 407 and 408 of Penal Code protect children against sexual harassment. In order to actualise this, a charitable organisation, Waatasemu Charity Association (WCA), was established to monitor these rights and receive complains from people. Unfortunately, by 2003, the rights of the minorities (the vulnerable groups) and juvenile rights were not addressed by the government (Abdul-Hamid, 2011: 137). Despite Libya's legislative law that recognized universal basic education for all, access to education was based on geographical and identity considerations.

Historically, Al-Qaddafi considered Cyrenaica region as anti-government and, therefore, did not focus on their educational development unlike the other two regions of Fezzan and Tripolitania. This would have contributed to the acceptance of the NTC in Benghazi

(Lemarchand, 2013:4). Since WCA was government sponsored, its impact on protecting girls from various forms of abuse could not be enforced. During the war, many girls, mostly from the minorities and immigrant children, as young as eight years suffered sexual assaults, rape including trafficking, economic exploitation and served as combatants (Coulter et al, 2008).³ This is against Article 15 of the Child Protection Act No.5 of 1997 that prohibits the employment of children in any economic productive sector than to receive education at school. Some of these migrants are Touaregs from Mali who volunteered as regular military forces in Libya; some were inducted into Libyan-sponsored Islamic legions who were active militants in Lebanon, Palestine and Afghanistan. Many of them are still in the oil sector in Libya (Keita, 1998: 17).

Despite the incorporation of all the relevant international human rights conventions relating to discrimination against children, corporal punishment is still in place. Some of these Acts are Act No. 17 (1992) (provision against violence and abuse), the Penal Code (1953), Child protection Act (1997), the Great Green Document on Human Rights (1988), and the Constitutional Proclamation and the Promotion of Freedom Act No. 20 (1991). Like the Al-Qaddafi government, the new government has also failed to observe the Child rights and 1948 Universal Human Rights.

Libyan Civil War and the Plight of Children

The Issue of Child Soldiers from Historical Perspective:

Jean-Hervé Jézéquel (2006) opined that a historical approach, unlike a problem-solving perspective,⁴ tends to be static by taking the world as a given and reifies existing distribution of power (Smith, 1997: 175-8). This ensures relativising the allegedly unique aspects of the African conflicts and emphasizing, unfortunately, the tragic ordinariness of the instrumentalisation of children in war. This takes us to the critiques of the existing knowledge that based the plight of children on Roméo Dallaire's (2010) discussion. He reduced them to the status of miners working in diamond mines, used to sustain the supply of weaponry sustain the war efforts. He describes girls as greater asset, as they can do everything that boys can do, and much more. "They set up bivouacs, prepare the food, control the younger children and are used as sex slaves and bush wives (Dallaire, 2010: 3)." Equally germane in this discussion is the need to trace the historic antecedents of child soldier in Africa and the international protocols that Libya has been a signatory to.

The issue of age group and their responsibilities in African society is different from that used western societies. The role/s of a child in a society should not be perceived as 'a singular phenomenon' in Africa (Jézéquel, 2006). For instance, child soldiers were extensively used during WWII and the French colonialists took some children of local leaders and sent them to the "School of Hostage" (Jézéquel, 2006). Except for Russia, all the permanent UNSCs have not incorporated legislation prohibiting the use of child soldiers under the age of 18. Thirteen of the nineteen NATO states, as of 2002, allowed recruitment of children under 18 into their armed forces despite the Graça Machel report of 1996. (Stohl, 2002; Shah, 2003). As much as Bennet (1999) argues for the need to abide by the humanitarian intention of the West to release children from war, his position was not based on primary source (Jézéquel, 2006). The Mau-Mau revolt in Kenya during the decolonization struggle used children for information gathering, spies, cooking and sometimes engaged in armed combat against British colonialist. This eventually led to the liberation of the state from the colonial rule of United Kingdom.

Demarcation between the responsibility of adults and children may be difficult to determine because the latter are not simply a biological group but a social group whose history and experience differ according to their environmental factor (Jézéquel, 2006). During the era of the slave trade, children were transported in large numbers to the New World. The same (environmental factor) made African societies employ the services of their children in farming and selling unlike what is acceptable in Europe. NATO's R2P, which inflicted displacement, maiming and killing several children during the war needs further interrogation because the other aspects of humanitarian intervention of reconstruction and development are left unaddressed (Orford, 2011: 18).

Some scholars (Brock, 2012: 51; Goldstein, 2011: 139) observed that, unlike adult mercenaries, fighting wars with scarce resource conditions could have encouraged the enlistment of children as soldiers. They stated further that they were "perceived to be the best fighters, obedient and easily manipulated... (they) are not to be paid, and they followed orders better than adults. They 'do not feel fear due to a lack of awareness'. Ease in training on how to handle small arms and light weapons (SALW) within days also explains the need for child soldiers.

Impacts of the War on Children

The above discussions explain why in Misrata, seven year old children were spotted with automatic weapons and were trained to clean and operate firearms despite the ACRWC's Article 15(1) and Article 22(2).⁵ This group of children's participation was voluntary on the side of the National Transitional Council (NTC) due of limited access to social benefits in schools and hospitals and high rate of unemployment, estimated to be 30 per cent as of early 2011 (Abdul-Hamid, 2011: 136). Another explanation is the need to liberate their tribe from Al-Qaddafi's tribal politics. Some of the Berber children who joined the NTC forces were later discriminated against after the war as the new government accused their parents of being Al-Qaddafi mercenaries, spreading HIV, public drunkenness and witchcraft. Children most affected were those born out of wedlock because they were ill-treated together with the disabled who should have been protected by Article 9 No.5 of the Child Protection Act of 1997. Most girls engaged in soldering ended up as "fighters but are often the victims of severe sexual abuse by men on their own side as well as their enemies (Brock, et al, 2012: 126). Children were sexually assaulted in front of their families and kept for days and raped. Other children reported that both NTC and government forces killed their fathers and raped women in front of their children⁶. Children who did not willingly participate in the war were kidnapped and forced to join army. Both NTC and Al-Qaddafi's forces engaged in this act.

Children under NATO Military Assault

As much as the NATO and Qatar were said to have introduced professionalism in their aerial bombing, based on the contested UNSC Resolution 1973, operative paragraphs 8 to 9, report of missed targets and missiles landing in schools, hospitals and mosques were widely reported but denied, expectedly by Western media and the NATO member states. The use of reconnaissance, intelligence and aerial bombing raids did not bring about a clinical war against the government. The West believes that the war in Libya received legitimacy on the basis of UNSC Resolutions 1970 and 1973 as well as the endorsement by the Arab league and popularity from civil society organizations (Joshi, 2011). Some scholars (Kunstler, 2006:83; Fagan, 2009: 95-116; Jones, 2013:57) have suggested that the question, however, is whether NATO military campaign did act beyond UNSC resolutions? Perhaps because of the need to control the state's

fossil fuel in line with the Carter Doctrine that calls for military intervention, balancing against rogue states and countering violent extremists (Jones, 2013; Joshi, 2011; Kunstler, 2006)

NATO military exercises also impacted the children from which they are not likely to recover soon. It could, therefore, be said that parties to the conflict did not observe Article 39 of the Convention on the Rights of the Child, mostly on the issue of psychosocial distress.

Ethnic Dimension of the War and the Children Rights

Ethnic dimension of the war against the Amazigh (Berbers), Touaregs and Tubu/Tebu/Toubou (black Africans) populations who were humiliated by the Arabs despite their fluency in Arabic language is equally a major concern (Abdul-Hamid, 2011: 136; Lemarchand, 2013: 1). These tribes constitute about 10 per cent of the total population of the country and have a history of conflict with the Arabs who have been in the region since 642 AD (Solieman, 2011). They have links with the neighboring states of Niger, Chad, and Mali with substantial number of them in 'the southern oases of Sebha, Murzuk and Kafa (Lemarchand, 2013: 8).

The Berbers in Libya are qualified to be addressed as indigenous peoples according to the International Labour Organisation's (ILO) Convention 169 Article 1(1)(a), Article 3(1), Article 4(1), Article 27(1&3) and the African Charter Article 17(1&3). These could have contributed to their demands for equal rights and *special rights* for their own culture, language (Tamazight/Tifinagh), education and religion (Henrard, 2010: 207-15). This is a "Pareto superior to the *status quo*" (Brilmayer, 2002: 199). That is, an improvement in the state condition for some groups has no negative impact on others. Despite their active participation in dislodging Al-Qaddafi, they were not included in the 31 members of the NTC and their language is not recognized in the new government (Soileman, 2011). These tribes refused to join the Libyan forces before the civil war. They were perceived as anti-Arab which may explain the pogrom against them in April 2012 when hundreds of them were massacred; girls and women gang-raped in Sebha.⁷ Children were not admitted in school as long as they carried Amazigh names. This is against the ACRWC Ar. 11(1, 2b, 3a-e) and African Charter Art. 17(3). In the Nefusa Mountains, many of the families are currently headed by children before they attained adulthood (Stohl, 2002: 282). Many girls would end up in forced marriages to help cater for the debilitated parents and younger children.

Sowing the Seeds of Future Conflicts

The equality principle is the basic *conditio sine qua non* for adequate minority protection (Henrard, 2010: 207). According to the Compulsory Education Act No. 90 of 1975, education is made free for every child between the age of six and fifteen. Despite this, refugees and minority children are not allowed to enjoy the same benefit, which is against the Convention on the Rights of the Child (CRC) Art. 29 &30 and International Covenant on Civil and Political Rights (ICCPR) Art. 27. Instead they pay higher fees compared to Arab children despite the state's signatory to the Africa's 1969 Convention Governing the Special Aspects of Refugee Problems in Africa, which accord the same rights of education the UN 1951 Refugee Convention and its 1967 Protocol (Abdul-Hamid, 2011: 141). Ironically, Libya has not ratified this Convention despite the complementarity of the two on the principle of *non-refoulement*⁸ and other related Rights of the Child.

On the issue of healthcare, it is stated in the Health Act No. 106 of 1973 that free health is a human right for all. Article 50 of the Act provides that healthcare is a matter of equality for all and this is supported by Article 4 of the Child Protection Act No.5 discussed above.

Unfortunately, this is not extended to the minority groups in Libya despite several international protocols that protect them from discrimination.

Temporary constitution drafted after the war only mentioned in passing the Amazigh culture, which was considered to be a ploy to undermine them by the post-Al-Qaddafi government. This may inspire another recruitment of terrorists in the area of which children will be the target; if not addressed in time it may further increase heinous activities of human rights abuses such as rape, forced prostitution, abduction, maiming and killing of innocent people by the child soldiers who “know nothing of Dunant’s codes of honor” (Ignatieff, 1998: 126).

The Future of Children Associated with the War

One of the problems associated with the war on children is the question of landmines and unexploded ordinance. Despite several anti-mine protocols entered into by Libya, they continued to be used during the war. Landmines planted by Al-Qaddafi during the war remain a nightmare around Misrata and Tripoli. Children are the most likely victims of landmines as they are attracted to strange objects out of curiosity that turn out to be unexploded ordinance and stepping on mines may lead to killing or loss of limbs. NATO air strikes on Al-Qaddafi ammunition storage facilities resulted in the spread of unexploded bombs into farms and residential areas. These make some of the agricultural lands unsafe for tilling and pastoring. Aid agencies are discouraged to work in unpredictable environments. Thus the already frustrated children would face more challenges in terms of food security and healthcare facilities. The cost of clearing the landmines supplied by China, Brazil and Belgium is almost ten times the purchase price. Unfortunately, the suppliers are not ready to support in the clearing of these deadly devices. The NGOs that are involved in demining sometimes lose some of their staff in the process.⁹

The psychosocial effects of war on children are another source of concern, mostly when looking at the implication of post-war development in Libya. Devastation of basic infrastructures such as schools, hospitals, roads, farmland and relegation of many children to the status of parental care has effects on their psychosocial development. The disabled children of about 13,000 were equally affected as the effect of war on them, because their peculiar needs could not be met in time of war. Many that lost their parents to war in the country will find themselves on the street as gang members with antisocial activities. Girls may resort to prostitution to fend for the family.

The ex-combatants recruited as child soldiers and trained in how to kill will embark on violent acts against others to remain relevant in the society (Cohn, 2013: 21). In a situation when the law of the land is too harsh to embark on criminal activities, the next opening will be recruitment by jihadists/terrorists’ movements which will cause instability within and in the neighboring states. This explains why the Mali crisis is linked to the Touareg mercenaries that were able to cart away some small arms and light weapons (SALW)- which are durable, reusable, portable, inexpensive, and effective- (Chivers, 2011: 110) from Libya after the fall of the Al-Qaddafi government in 2011. The implication of this is the proliferation of Al-Qaeda franchise in the Maghreb and Arabian Peninsula.

From another point of view, some parents who lost their children during the civil war may want to seek revenge by joining anti-government forces. The palliative nature of democratic system put in place in Libya gives room for another civil war. This position is well captured by Fareed Zakaria (2013) when he described elections immediately after (civil) war without a constitution that guarantee rule of law, as a palliative measure of democracy. He tagged this position as an attempt of postponing the evil day. As pointed out by Sheri Berman (2013: 66-7)

“stable liberal democracy requires more than just a shift in political reforms; it also involves eliminating the antidemocratic social, cultural, and economic legacies of the old regime. Such a process takes lots of time and effort, over multiple tries.” This may eventually confirm Al-Qaddafi’s position on the precarious nature of military solution in Libya that the state will never experience peace because of the NATO known quick-fix election system.

Though NATO attacked Libya, the Libyan children believe that it is the Americans that caused their misery in the form of the loss of their parents, relatives and general instability in the region through the ‘Afghan model’ of special operations and drones attack (Byman, 2013; Cronin, 2013; Fry, 2013; Jones, 2013: 56; Joshi, 2011). America, through NATO, was also accused of supervision and assistance to “the looting, ransacking and wanton acts of murder committed by their based mercenaries trained and armed by them”¹⁰ that is against Resolution 1973(13). America, either directly or through third party, also supplied SALW to the NTC which may eventually promote terrorism as the concepts of DDR are poorly managed. But Joshi’s (2011) assertion that NATO and Qatar could not project power without America indicated that the state, rather than to resolve the crisis, aggravated it. The same could also explain why Libya is ruled by various militias of which children form the bulk of *katibas* who prefer to be addressed as *thuwar* (revolutionaries). NATO left the country without peace building which explains why various *katibas*, an estimated 60, control the state for the lack of functional police, army and bureaucracy. These militias are primarily ethnically based of which some are Islamic fundamentalists. Eventually, Al-Qaeda and its affiliates (Ansar Al-Sharia) may fill the vacuum created by the political instability in the unstable country (Byman, 2011: 48-54; Jones, 2013: 56, 63).

The Salafists, one of the ultra-radical Islamic movements in the Middle-East, were said to have been responsible for the killing of the American Ambassador, Christopher Steven and three other diplomats in Benghazi, on 11 September 2012. If this is true in the stronghold of anti-Al-Qaddafi, it implies that the Thucydides’ position that “The strong do what they can and the weak suffer what they must” (cf Sandole, 2010: 110) can be said to be true in the Libyan situation. The activities of these fundamentalists will last for years mostly with the active involvement of the Al-Qaeda in the Islamic Maghreb (AQIM), Al-Qaeda in the Arabian Peninsula (AQAP) and *Mouvement pour l’unicité de jihad en Afrique de l’Ouest* (MUJAO). Abandoned child soldiers will be recruited and trained in the territories controlled by the Islamic fundamentalists. Pro-Al-Qaddafi in Bani, Walid and Sirte against Misrata for instance are believed to have had substantial amount of fund to cause instability in the country. The implication of this is that schools may be forced to close *ad infinitum* for the fear of the teachers being killed, raped or maimed because of their perceived ideological position against militia/s that is effective in the region. Also the learners may be afraid of being kidnapped as child soldiers and girls forced into marriage to the militias.

During the war, production of crude oil was in a standstill with its negative effects on the annual budget on healthcare and education. What this translates to is the possibility of not meeting the much talked about MDGs by 2015 with special focus on issues that affect children.

Conclusion and Recommendations

It could be inferred that the issue of violence against children came about due to their roles in war as combatants, as cooks, as spies and “bush wives”. The impact of war in creating refugees, IDPs, assaults on the minorities and most especially against black Libyans and guest

workers have been equally discussed. It is therefore worth mentioning that the disregard of international protocols on the rights of children during and after the war continues unabated in the state. NATO's special operations and drones on the side of the NTC caused panic, killing and displacement of children during the war. Those who were able to escape to relatively safe areas were taken for spies and killed because every stranger becomes an enemy during civil war (Goldstein, 2011: 139). As discussed above, the problems of the UNSC Resolutions 1970 and 1973 that claimed to have formed the legal basis of NATO to support the rebels continue to be an academic discussion. Article 30 of the Constitutive Act of the African Union is against NATO's imposition of the NTC on Libyans unconstitutionally, which ought not to receive recognition among the AU states. This is derived from the Togo Declaration (2000) on the unconstitutional changes of government by the defunct OAU Assembly of Heads of State and Government

NATO failed to look into the plight of the minorities which if not addressed, may mortgage the future of thousands of Libyans who are denied basic education and health care as stipulated by various international agreements which are domesticated to the Libyan constitution. Human rights abuses such as ethnic politics, extrajudicial killings, illegal detention, and torture that was considered to be the major problems associated with the Al-Qaddafi government continues in the post-Al-Qaddafi Libya (Jones, 2013: 58). Free education, as discussed above is a luxury for the children of the Touaregs. The Al-Qaddafi's Third/Permanent Revolution introduced in 1970s is still intact as the Amazigh children are denied their culture through non-recognition of Tamazight language. The need for these children to change their names to Arabic ones is not in consonant with the basic human rights and the African Charter of the Rights of the Child as discussed above. Ironically, Libya was a major actor in promoting AU agenda on the continent, at the same time being one of the major culprits of these rights.

This paper concludes that the new government with the international coalition forces that unseated Al-Qaddafi should see to the implementation of basic child rights in the form of free and compulsory education and healthcare for all. This can be achieved through the introduction of the rule of law, ensure security (Anderson 2011 : 6) and adoption of the four refined conflict resolution theory as put forward by Sandole (2010: 116).¹¹ This is what NATO refused to look into and failed to put the plight of children to the front burner of DDRR. The proliferation of SALW in the hands of the minorities that supported Al-Qaddafi also needs to receive special attention through DDRR. Ethnically and geographically based plethora of militias loyal to the warlords and local chiefs as against the state should be addressed through conflict analysis and resolution (CAR). Buy-back of arms by government so far is not effective as it increases black market trade that may attract high prices more than what the government is ready to offer.

Availability of weapons in the hand of the children after conflict may allow conflicts to re-ignite and it sometimes leads to source of power for the child soldiers to coerce their communities and general instability of the whole region (Stohl, 2002: 281). The weakness of the bureaucracy, police and army masterminded intentionally by Al-Qaddafi that reduced the country almost entirely stateless should receive re-orientation (Berman, 2013: 66). This would be in the form of capacity building training to adjust to professionalism as against serving the parochial interest of the government in power. Demobilization of the militias is also a challenge that should be carried out. Re-integration of the child soldiers, reconstruction of basic infrastructures such as hospitals, schools and other child-related institutions for the development of the children in the state is much needed. On the issue of psychosocial problems, Libya in cooperation with various international organizations should see to the demining of the land and sea that were mined by the Al-Qaddafi government. Reintegration and reinsertion should focus

on healing processes and re-establishment of a sense of normalcy as against concentration of the children emotional wounds. "Programmes to support psychosocial well-being should include local culture, perceptions of child development, and an understanding of political and social realities and children's rights".¹²

A sovereign national conference is worth calling for where forms of government that will serve the interest of the three major geographical regions should be discussed. In doing this, every stakeholder such as the representatives of various NGOs that deals with Child protection such as Save the Children, Amnesty International, and Human Rights Watch should be in attendance. Also to be represented are the UN (through UNICEF, UNDP), regional organizations (AU, through the AU Commission on Human Rights) and sub-regional organizations (the Arab league and the Organization of Islamic Conference) in the drafting of the state constitution. This should be done in attendance of children representatives across every ethnic group in the state.

In most cases, girls are usually neglected in Africa in decision making; this is more rampant in the Islamic world where the issue of feminism is frequently treated with disdain. Their demands should also receive consideration. Also of note is the need to consider the non-combatants that engage indirectly in the war for DDDR from both sides. This is the only way stability could be ensured as maintained by Mazurana and Cole (2013: 202-3). Girls and boys in war should not be coerced by their commanders to hand over their weapons for the purpose of DDDR. In many instances, prove of having weapon as a former rebel or militant is a passport for reintegration. Sometimes the militias' commanders may trick the children to hand over their weapons and use their slot for relatives and cronies. The issue of secularism should be debated to accommodate the minorities who are always at the receiving end in the state polity.

To curb the impact of discussed malnutrition as the effects of climate change is evident in Libya, FAO, Action Against Hunger and different food agencies need to supply the state with food relief. Displacement of people during the war affected food production and those who rely on cows and camel meat and milk for their balanced diet could not get it. This, again, affected the Berbers the most. On the question of minority, Libya should recognize the principle of equal rights on the one hand and 'special rights' rights on the other. Special rights will focus on the need to give some special attention to their economic, political and socio-cultural participation in governance through quota system in a true federal system. Also their identity in term of language, education, access to media and cultural belief should be accorded to them to avoid future secession.

Notes

1. In his discussion, Roméo Dallaire (2010: 152) comes up with DDR of which he says “that final R stretches to cover many other *r* words- reinsertion, rehabilitation, reconciliation, reconstruction, repatriation (and concluded that) all of them are difficult to achieve.
2. <http://www.channel4.com/news/child-soldiers-sent-by-gaddafi-to-fight-libyan-rebels>. Accessed 12/06/2013
3. This was reported in *The Guardian*. (London) Libyan Children suffering rape. <http://www.guardian.co.uk/world/2011/apr/23/libyan-children-suffering-rape>. Accessed 11/07/2013.
4. Problem-solving perspective tends to be static by taking the world as given and reifies existing distribution of power. For more discussion on this see Smith, 1997: 175-8.
5. <http://www.dailymail.co.uk/news/article-2014236/Libya-Children-young-7-trained-fg...> Accessed 12/06/2013
6. <http://libyastories.com/2012/12/05/the-libyan-civil-war-some-consequences-for-children> accessed on 12/06/2013.
7. It is conceived by the Arabs that the dominance of the Touaregs and immigrant blacks is imminent considered the Al-Qaddafi’s friendly overture to remain primus inter pares in Africa. For more details on this, see Lemarchand, 2013.
8. *Non-refoulement* means that states are obliged to refrain from forcibly returning a refugee to a state where he is likely to suffer persecution or danger to life or freedom (Katz, 2005: 341).
9. <http://www.hrw.org/print/news/2012/03/25/libya-good-start-landmine-destruction>. Accessed 12/06/2013
10. <http://english.peopledaily.com.cn/90780/7580138.html>. Accessed 12/06/2013
11. These are: (a) maintaining proactive mechanism to prevent escalation of the ongoing war. (b) Initiating short term dialogue to facilitate communication, trust and credibility-building, the surfacing of all voices and stereotypes, the development of empathy to give room for reconciliation. (c) Initiate medium and long term process to manage and reduce disparity between socio-economic, ethnic and religious, and other identities. (d) And lastly developing and maintaining carefully monitored and coordinated coalitions across class, ethnic, racial, religious, organizational, national, regional, and other identity lines.
12. <http://www.un.org/rights/impact.htm>. Accessed 16/06/2013

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